

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

July 7, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, July 7, 2003, at 9:00 a.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., C. Nelson Harris, William D. Bestpitch, M. Rupert Cutler and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Linda F. Wyatt-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt were absent.)

Council Member Dowe entered the meeting.

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Harris, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

At 9:05 a.m., the Mayor declared the meeting in recess for one Closed Session.

(Council Member Wyatt entered the meeting during the Closed Session.)

The Council meeting reconvened at 12:00 noon in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding, and all Members of the Council in attendance.

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION, AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

The City Manager advised that it was intended to engage in a briefing on the employee survey; however, the individual from Virginia Tech who was to provide the briefing was unable to be present; whereupon, it was the consensus of Council that the briefing would be deferred until a later date.

It was also agreed that in view of time constraints, the Fair Housing Ordinance and Williamson Road Improvements briefings would be held today, and all other briefings which were listed on the agenda would be deferred until a later date.

The Mayor referred to a report of the Human Services Committee submitting funding recommendations for fiscal year 2003, and inquired if the City of Roanoke plans to continue funding of Planned Parenthood of Blue Ridge. If so, he stated his intent to vote against the budget ordinance at the 2:00 p.m. Council session.

Mr. Cutler requested a printed copy of all grants and grant recipients to be funded through the Human Services Committee.

Ms. Wyatt advised that concern has been expressed by a citizen that Council did not follow its rules of procedure when, on Monday, June 16, 2003, it removed from the table a resolution reconstituting the Roanoke Neighborhood Partnership Steering Committee and establishing the Roanoke Neighborhood Advocates. She advised that pursuant to the motion adopted by Council on Monday, June 2, Council tabled the resolution for at least 30 days to allow time for input by the Presidents Council; therefore, she stated that she would move for a reconsideration of the resolution at the 2:00 p.m. session of the Council.

**TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:
NONE.**

AGENDA ITEMS FOR THE AUGUST 4, 2003 JOINT MEETING OF COUNCIL AND THE SCHOOL BOARD:

Council Member Cutler requested that the agenda include an item in connection with a projected timetable for completion of all neighborhood plans.

BRIEFINGS:

HOUSING/AUTHORITY: Rolanda Russell, Assistant City Manager for Community Development, advised that in June, 2003, the Fair Housing Board was provided with a copy of a proposed draft of revisions to the Fair Housing Ordinance; and Board members were asked to review the draft ordinance and submit suggestions for consideration to the City Attorney's Office. She further advised that the City Attorney's Office received seven suggested additions to the ordinance; and two of the suggestions, the inclusion of gays and lesbians to the list of protected classes and provision of a fine for failure of real estate brokers and others in the housing business to post nondiscrimination notices, have been determined to be legally impermissible by the City Attorney's Office. She stated that remaining suggestions primarily involve a greater role for Board members in the Secretary to the Fair Housing Board's determination of whether a fair housing violation has occurred and the decision to conciliate a fair housing dispute. She advised that the decision of whether to incorporate the Board's suggestions into the proposed Fair Housing Ordinance rests entirely within the discretion of Council.

The following is a summary of changes that the Fair Housing Board has requested to the current draft of the new Fair Housing Ordinance; and strikethroughs indicate the current wording of the ordinance that is to be deleted and the italicized wording indicates language to be added to the current ordinance:

"1. Section 16-150 — The Board wants to add the following provision to Section 16-150 below:

"3. Failure to post notice and abide by this policy shall result in the following;

1. A warning shall be given the first time violation and given thirty days to post notice.

2. For each violation thereafter there shall be a fine in the amount of \$250.00 payable to housing services and given 30 days to post notice."

§16-150. Notice to be posted by real estate brokers and others in housing business.

Every real estate broker and every other person in the business of developing, selling, renting or leasing housing, including every person who operates a multi-unit residential building containing more than ~~two (2)~~ 4 units, except a personal residence, shall post, in a conspicuous location in that portion of his housing business normally used by him for negotiating the sale, rental or leasing of housing, a notice that contains the following language, printed in black on a light colored background, in not less than fourteen (14) point type:

"It is contrary to public policy and to the intent of the Fair Housing Ordinance of the City of Roanoke, Virginia, for any person to:

"1. Deny housing accommodations to any person because of race, color, religion, national origin, sex, age, *familial status*, *elderliness*, *handicap*, or marital status;" or

"2. Discriminate against any person because of *race*, *color*, religion, national origin, sex, age, *familial status*, *elderliness*, *handicap* or marital status with respect to the terms, conditions or privileges of housing accommodations or in the furnishing of facilities or services in connection therewith.

2. Section 16-173(b) — The Board wants to add "and Secretary" after Council" in subsection (b) below:

§16-173. General powers with respect to investigations, hearings, etc. Responsibilities of the board.

~~In making the investigations, pursuing conciliation and persuasion and conducting hearings, pursuant to this division, the board shall have authority to hear testimony under oath, to make findings of fact and issue decisions and warnings in accordance with the provisions of this article, and to make and adopt and publish such rules of procedure as may be necessary or proper for carrying out its functions under the provisions of this article.~~

(a) The board shall provide information to the public concerning Federal, State and City fair housing laws.

(b) The board shall advise City Council about the nature, causes, and possible solutions to fair housing issues.

(c) The board shall make tenants and landlords aware of the resources of the board, and the authority of its secretary to conciliate fair housing complaints.

3. Section 16-174 — The Board wants to add the following after "proceedings" in section 16-174 below: "advising, notifying members of meeting, setting agenda, serves as resource, provide and organize training, and to help plan activities of the board"

§16-174. Administrator generally. Secretary to the board.

There shall be ~~an administrator of~~ *secretary* to the board, not a member of the board, who shall be appointed by the city manager ~~and who. The administrator~~ or shall serve as secretary of the board and shall be responsible for keeping the records of the board's proceedings. ~~The position of the administrator shall be included in the pay and classification plan of the city and subject to the provisions of the city's personnel ordinances and regulations.~~ The ~~administrator~~ *secretary* to the board may be a person otherwise employed by the city and the duties of the administration of this article may be assigned in addition to other duties.

4. Section 16-176 (a) — The Board wants to add "members of the fair housing board" instead of "chair" in section 16-176(a) below.

§16-176. General procedure on complaints for discriminatory practices; conciliation and consent agreements.

(a) A complaint alleging the commission of a discriminatory housing practice, in writing and sworn to or affirmed, may be filed with the ~~administrator of~~ *secretary* to the board by the complainant. Such a complaint shall state the name and address of the complainant and of the person or persons against whom complaint is made and shall also state the alleged facts surrounding the alleged commission of a

discriminatory housing practice, the date the discriminatory housing practice was allegedly committed and such other information as the board, by regulation, may require. Upon receipt of such complaint, the ~~administrator of secretary~~ to the board shall furnish a copy of the same to the person who allegedly committed, or is about to commit, the alleged discriminatory housing practice and to the chair of the board. For the protection of the privacy of the individuals involved, in personal matters, every complaint shall be held in confidence ~~by the board, its administrator and employees~~, unless and until the complainant and the person complained against consent to its being made public. ~~or until a hearing, as described in sections 16-177 and 16-178, is begun.~~ No complaint shall be filed more than ~~thirty (30) days~~ *one (1) year* after the date of the alleged discriminatory housing practice.

5. Section 16-176 (d) — The Board wants to add "...and retained in fair housing records. Before any conciliatory action is taken by the Secretary it should be brought before the board" after "filed with the board."

Any conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, ~~and shall be subject to approval by the board.~~ *A copy of the agreement shall be filed with the board.*

6. Section 16-177 — The Board wants to add "with the board concurrence" after "secretary."

§16-177. Procedure when ~~administrator~~ *secretary to the board* finds lack of grounds for complaint.

If the ~~administrator of secretary~~ to the board determines that a complaint filed under section 16-176 lacks reasonable grounds upon which to base a violation of this article, ~~he~~ *the secretary to the board* shall give written notice of such determination to the complainant, the person complained against and the board. ~~The notice shall also state that the complaint will stand dismissed unless, within twenty (20) days after mailing of such notice, the complainant files with the board in writing a request for a hearing by the board. Upon the filing of request for such hearing, the administrator of the board shall immediately mail a copy of such request to the person complained against, together with~~

~~notice of the time and place fixed by the board for such hearing. Thereafter, and at such time, the board shall afford the parties and opportunity to appear before the board in person or by counsel. Upon such hearing, the board may, in its discretion, dismiss such complaint or determine that there are reasonable grounds to believe the alleged violation of this article has occurred.~~

7. The Board also questioned whether the City could add gays and lesbians to the list of protected classes."

Ms. Russell called upon David L. Collins, Assistant City Attorney, to review suggestions of the Fair Housing Board.

1. Section 16-150 — The Board wants to add the following provision to Section 16-150:

"3. Failure to post notice and abide by this policy shall result in the following:

1. A warning shall be given the first time violation and given 30 days to post notice.

2. For each violation thereafter there shall be a fine in the amount of \$250.00 payable to housing services and given 30 days to post notice."

The Assistant City Attorney advised that according to State Code it is not legally permissible to add a \$250.00 penalty for non-compliance; whereupon, Ms. Wyatt suggested that the matter be referred to the City's Legislative Committee.

2. Section 16-173(b) — The Board wants to add "and Secretary" after "Council" in subsection (b) below:

(b) The board shall advise City Council about the nature, causes, and possible solutions to fair housing issues.

Mr. Collins advised that there is no legal problem in making the change, which is at the discretion of Council.

3. Section 16-174 — The Fair Housing Board would like to add the following after "proceedings": "advising, notifying members of meeting, setting agenda, serves as resource, provide and organize training, and to help plan activities of the Board".

Mr. Collins advised that the current revised draft ordinance provides that there shall be a secretary to the Board, who is not a member of the Board, who shall be appointed by the City Manager, and who shall serve as Secretary to the Board and be responsible for keeping the records of Board proceedings, which essentially provides that the secretary will keep minutes of the meetings; however, the Fair Housing Board would like to expand the responsibilities to provide that the secretary will be responsible for advising and notifying members of meetings, setting agendas, serving as a resource, providing organized training and helping to plan activities of the Board.

Ms. Russell advised that the City Administration would have no objection to the suggestion. She called attention to discussion by the Fair Housing Board that the title of secretary be changed, although no recommendations were offered by the Board. The City Manager advised that secretary is a common title used for numerous staff functions to boards and commissions; i.e.: Architectural Review Board, City Planning Commission, Board of Zoning Appeals, etc.

Section 16-176 (d) — The Fair Housing Board would like to add "members of the fair housing board" instead of "chair" .

Mr. Collins explained that the item pertains to conciliation agreements; the secretary has the power under the wording of the proposed draft of ordinance to investigate a dispute, and if the secretary believes the matter is worthy of discussion between the groups, the secretary can arrange for the parties to try and conciliate the matter. He stated that current wording provides that upon receiving a complaint, the secretary shall furnish a copy of the complaint to the person who allegedly committed the discrimination and to the Chair of the Fair Housing Board; however, the Board wishes to provide that the new ordinance will require that a copy of the complaint will be given to not only the Chair, but to other members of the Board. He stated that the City Attorney's Office has taken no position on the matter which is within the discretion of the Council.

The Assistant City Manager for Community Development advised that the City Manager has no objection to the suggestion.

5. Section 16-176 (d) — The Fair Housing Board would like to add "... and retained in fair housing records. Before any conciliatory action is taken by the secretary it should be brought before the board" after "filed with the board".

Mr. Collins advised that the ordinance currently provides that any conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant and a copy of the agreement shall be filed with the Board; the Fair Housing Board's suggestion is to add the following, "a copy of the agreement shall be filed with the Board and retained in the Fair Housing records and before any conciliatory action is taken by the Secretary, it should be brought before the Board." He stated that the City Attorney's Office has no comment on the suggestion which is within the discretion of Council.

Ms. Russell advised that the conciliatory section should be shared with the Fair Housing Board, as opposed to being brought before the Board, because if there is a problem in terms of establishing a board meeting and/or establishing a quorum in order to make a decision, the conciliation process could be delayed. She proposed that there be further evaluation of the process.

6. Section 16-177 — The Board would like to add "with the board concurrence" after "secretary."

Mr. Collins advised that this section pertains to that which the secretary finds lack of grounds for a complaint, in which case the secretary will make a written determination and forward to the affected parties; the Board would like to have input into whether a matter may or may not be considered; therefore, rather than the secretary solely making the decision of whether or not a matter may be conciliated, the Fair Housing Board will have input into the decision.

Ms. Russell advised that under the current ordinance, the administrator (secretary) would make the decision solely, therefore, it would be wise to ensure that there is some communication between the secretary and the board, but not necessarily have to wait until the board meets to have input.

There was discussion as to the feasibility of adding additional language to provide that the secretary will report back to the Fair Housing Board on any actions on complaints that have been reviewed or considered, which will allow the Board to stay abreast of and to decide whether it wants to consider any policy issue, and would enable the focus on the Board to remain a policy function primarily; and if the Board is kept informed on a regular basis of the types of activities that have been occurring and if the Board believes that policy needs to be changed in some way to better address cases individually, it would be the Fair Housing Board's prerogative to do so.

The City Manager advised that the proposed amendments attempt to place more emphasis on education relative to the City's fair housing policy, since the State organization is responsible for hearing official complaints; and the goal is that the secretary would attempt to resolve an issue on an informal basis so that the issue never has to be sent to the State office, to cause parties to come together in an effort to understand the law, and to resolve issues through education. She expressed caution insofar as setting policy because policy is established at the State and Federal levels in terms of what constitutes a violation and what is fair housing law.

The City Manager further clarified that if the complaint cannot be dealt with in an informal way by the secretary, it must be filed in an official manner with the appropriate State office, therefore, the proposed ordinance will not establish policy. She stated that through revisions, City staff has tried to clarify the appropriate role of the local Fair Housing Board, which is primarily education; however, the ordinance does offer the opportunity for the secretary to resolve issues on an informal basis, but if those issues cannot be resolved, they must be referred to the State.

There was discussion with regard to an appeals process which is currently not provided for; whereupon, the Assistant City Manager for Community Development advised that the State currently has the authority; Council previously stated that it did not want a duplication of services on a local level; and if an appeals process is provided for, the local Fair Housing Board would find itself involved in a State function.

The City Manager advised that including the conciliation component represents a kind of compromise; there has been only one case in approximately 20 years when it was necessary to officially go through a hearing process which was a quasi-legal process; and she called attention to situations where the City has advised citizens regarding the landlord/tenant laws.

7. The Fair Housing Board also questioned whether the City could add gays and lesbians to the list of protected classes.

The Assistant City Attorney advised that the Attorney General has rendered a negative ruling on the issue.

Ms. Russell advised that City staff will meet with the Fair Housing Board on July 28, at which time, Council's comments will be shared with the Board, with the goal of bringing a revised ordinance to Council for consideration in the near future.

Ms. Russell also advised that the Fair Housing Board will present its Annual Report to the Council on Monday, July 21, 2003.

TRAFFIC: Kenneth H. King, Manager, Streets and Traffic, presented a briefing on Williamson Road improvements.

Mr. King stated that the information he would present has not changed since the previous Council briefing on March 3, 2003. He advised that Williamson Road consists of five lanes, two lanes in each direction, and a continuous right turn lane in the northbound direction; concerns have been expressed with regard to an accident problem with vehicles turning left, therefore, it is proposed to create a left turn lane; and concerns have also been expressed about the speed of traffic and the general appearance of the roadway, etc. He referred to the previous concept as presented to Council on March 3 to create a five lane section, with two lanes in each direction and a center turn lane at certain key points, and a landscaped median throughout the center area. He explained that there have been some minor modifications since March 3, at which time Council agreed with the concept and instructed staff to share the information in the form of an open house with the community for input. He noted that over 200 letters of invitation were hand delivered to persons/businesses along the Williamson Road corridor, and the meeting was advertised by the Williamson Road Action Forum (WRAF) and the Williamson Road Area Business Association (WRABA), and flyers were hand delivered to every property that fronted on Williamson Road, or within one block of Williamson Road. He advised that only nine persons attended the open house, with representation by WRABA and WRAF, the Airlee Court Neighborhood Association, communications were submitted by Bill Tanger, representing Farrell property interests, and Ben Burch and Steve Caldwell, representing the Airlee Court neighborhood. He stated that feedback from the neighborhood was that most persons preferred a treatment of the corridor throughout its entirety; and at one time there was discussion with regard to addressing Christian Avenue south at the southern end as a demonstration project; however, in a further review, City staff believes that if one considers the fact that the entire roadway currently needs to be repaired and installation of median islands in the middle of the roadway will disturb pavement around the islands, it would be wise to pave the road throughout its entirety, which is the recommendation that staff intends to submit to the Council. He commented that it is also believed that mature growth trees are critical to create the environment and the atmosphere that is desired for the area.

Mr. King reviewed a design with landscaping and landscape improvements. He advised that other citizen/business input involved concerns about median locations and the impact on businesses; and the stamped median as shown in the

concept plan will be similar to asphalt stamped like a brick design and painted a brick color to create more of a calming or softening effect of the corridor. He noted that if cost is a factor, the asphalt stamping could be the first thing to go; those persons who provided input believed that the landscaped medians were the most critical component of the plan and should remain in place; and, taking into consideration all cost factors, public input was to proceed with the stamped crosswalk marking at the intersections and address the marking at the median if funds allow.

Mr. King explained that once the road is shifted into the new lane configuration, the area to be landscaped will be coned off or barricaded with a sign that says, "Future Landscaped Island", because with the limited number of persons who attended the open forum and provided input, questions will be generated, and the sign will cause the general public to take notice and make inquiries, which will then provide the opportunity for City staff to respond, and, depending on feedback, move forward with construction. He called attention to scheduling issues with Roanoke Gas Company, who identified at the beginning of this year that they planned to embark upon a major gas line replacement from Angell Avenue to Hershberger Road through mid September, which will require that the Williamson Road project be coordinated around the Gas Company's schedule.

At this point, Mr. King indicated that current pavement markings can be eliminated and shift to new pavement markings, and median areas can be barricaded, pending feedback from the public.

Question was raised as to whether a procedure is in place for the City to know when and where work is to be done by utility companies; whereupon, the City Manager advised that Roanoke Gas Company has provided the City with its schedule for the next ten years. She referred to a later briefing on the proposed pavement cut/utility cut policy by the City Engineer, and if Council concurs in the recommendation of staff, the City will require utility companies in the future, when a newly resurfaced roadway is disturbed with a cut, to repave the entire section of the roadway, which will be a major departure from past procedure, and will be more expensive, both to contractors and to the City, because the City will be required to follow the same policy with City utility cuts. She advised that the City is doing a much better job of coordinating its own utilities.

Mr. King advised that Roanoke Gas Company provided input in the preparation of the City's annual street paving program. He explained that the City is accomplishing more improvements on roadways than Roanoke Gas Company can keep up with, so there will be conflicts simply by nature of the fact that work is being done all over the City.

In closing, Mr. King advised that the next steps in the process include the receipt of feedback from the public, if feedback is significant, another open house could be held, along with individual meetings, and it is hoped to address issues raised by the public and to proceed with the project following concurrence by Council.

A concern was raised as to confusion by motorists in maneuvering through the cones/barricades that were placed on Memorial Bridge, and it was suggested that tape be used on Williamson Road from cone to cone so that motorists will not drive between the cones. Mr. King advised that most likely barrels will be used on Williamson Road which will be easier to maneuver.

Question was raised as to the timetable for addressing the traffic patterns on Brandon Avenue and Mudlick Road, S. W.; whereupon, Mr. King advised that the topic is scheduled for more indepth discussion at a later time; however, meetings have been held to address the Brandon Oaks and Stratford Park Apartments traffic concerns with regard to alternatives for a common access for development properties at one point, including signalization, and landscaping on either side of the roadway. He stated that the biggest challenge will be in terms of cost, inasmuch as installation of landscape medians for the length of the road is estimated at approximately \$209,000.00, stamping of crosswalks at approximately \$17,500.00, and resurfacing cost, which is a part of the City's routine maintenance funding, is about \$174.00 per linear foot.

The City Manager advised that in addressing the Williamson Road, Brandon Avenue and Grandin/Brandon areas, it became obvious that for the future, it will be necessary to allocate annual funds within the City's operating budget, in addition to the capital program, in order to accomplish more traffic calming, median landscaping, etc. She added that the Mudlick/Brandon/Grandin areas are fairly new developments in terms of the Council's agenda, design funds were set aside and it is believed that sufficient funds have been appropriated for the Williamson Road project and a portion of the Brandon Avenue area; however, it may be necessary to request additional allocation of funds by Council, specifically for Brandon Avenue at Mudlick Road and Edgewood Street, depending on how receptive property owners are to making a change at that location.

There was discussion with regard to the appearance of the asphalt stamping, the procedure for imprinting the surface, durability of the surface, traffic pattern from Angell Avenue to Hershberger Road, a hazardous traffic condition in front of If-Its-Paper, where motorists back out of the parking lot into oncoming Williamson Road

traffic, landscape maintenance costs, and whether funds are available to assist private businesses in the refurbishment of their properties, such as If Its Paper, in order to reconfigure the parking area to prevent motorists from backing out of the parking lot into Williamson Road.

An observation was made by one Member of Council that parking needs should be addressed in the 2020 Comprehensive Plan process, City staff should develop ways to help businesses manage traffic issues, and Council should develop an overall sense of direction for City staff, such as making traffic issues a condition to zoning/rezoning of property.

Question was raised if the Hill Studio plan for Williamson Road was taken into consideration in connection with traffic reconfiguration; whereupon, it was stated that the Hill Studio plan, as well as the Comprehensive Plan, were taken into consideration, and the recommendation before Council represents a kind of consensus of both plans. The City Manager advised that City staff is currently preparing a Williamson Road Area Neighborhood Plan which will contain the best of the Hill Studio Plan, along with input from the neighborhood.

At 1:10 p.m., the Mayor declared the meeting in recess for continuation of the Closed Sessions that were previously approved by the Council.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Monday, July 7, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building , 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr.-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Veronica Venable, Staff Minister, Harvest Ministries, Church of God of Prophecy.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

ORGANIZATIONAL MEETING

CITY COUNCIL: The Mayor advised that the first meeting of Council in the month of July is considered to be the organizational meeting at which time the Council will adopt a resolution establishing the days, times and places of regular meetings to be held by the Council during the ensuing months; whereupon, Mr. Dowe offered the following resolution:

(#36414-070703) A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004, and rescheduling one regular meeting to be held in the month of October, 2003.

(For full text of Resolution, see Resolution Book No. 97, page 481)

Mr. Dowe moved the adoption of Resolution No. 36414-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REGULAR SESSION

PRESENTATIONS AND ACKNOWLEDGEMENTS:

SCHOOLS-DECEASED PERSONS: Mr. Cutler offered the following resolution expressing sympathy upon the passing of Samuel P. McNeil, former Roanoke City School Board Chair and former President of the Patrick Henry High School P.T.A., who passed away on June 20, 2003:

(#36412-070703) A RESOLUTION memorializing the late Samuel P. McNeil, former Roanoke City School Board Chairman and a former President of Patrick Henry High School P.T.A.

(For full text of Resolution, see Resolution Book No. 97, page 478.)

Mr. Cutler moved the adoption of Resolution No. 36412-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent)

A moment of silence was observed in memory of Mr. McNeil.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, of forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the special meeting of Council held on Monday, May 12, 2003, and the regular meeting held on Monday, May 19, 2003, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): A communication from Council Member William D. Bestpitch, Member, Ad Hoc Steering Committee, to study the role and responsibilities of the Roanoke Neighborhood Partnership Steering Committee, advising that on June 16, 2003, Council adopted a resolution authorizing reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the

Roanoke Neighborhood Advocates; and the measure further provides that Council is authorized to select seven of the initial appointees, five of whom shall be from the current membership of the Roanoke Neighborhood Partnership Steering Committee, was before the body.

Mr. Bestpitch further advised that on June 16, Council appointed six of the seven initial appointees; however, no reference was made to their terms of office; therefore, with the concurrence of Council, he proposed the following staggered terms of office, and following completion of the initial terms of office, reappointments shall be for three year terms:

Joseph A. Schupp	-	Three Years
Bob R. Caudle	-	Three Years
Robin Murphy-Kelso	-	Two Years
Carl D. Cooper	-	Two Years
Richard J. Nichols	-	One Year
Shirley M. Bethel	-	One Year

Mr. Cutler moved that Council concur in the communication. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

EASEMENTS-BUILDINGS/BUILDING DEPARTMENT-NEWSPAPERS-CENTER IN THE SQUARE: A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to encroachments into the public right-of-way of modular newsracks at Center In The Square and the Sun Trust Building, was before the body.

The City Manager advised that pursuant to requirements of the Code of Virginia (1950), as amended, the City is required to hold a public hearing on proposed encroachments into public rights-of-way.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

LEASES-WATER RESOURCES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 21, 2003, at 7:00 p.m. or as soon thereafter as the matter may be heard, on a request to enter into a new lease agreement with Nextel WIP Lease Corp., a Delaware general partnership, d/b/a Nextel Partners, to lease a portion of the Summit Water Tank and ground site, was before the body.

It was explained that Nextel WIP Lease Corp. has submitted a request to lease a portion of the Summit Water Tank and ground site, which is located in the area of 4500 Franklin Road, S. W., at the end of Summit Way Drive, Official Tax No. 5380121, for the purpose of installing directional antennas, connecting cables and appurtenances; in order to lease the property, a new lease agreement is required, as well as a public hearing; terms and conditions of the lease will be in accordance with the City of Roanoke Policy regarding Wireless Telecommunication Facilities located on City property dated January 21, 1997; and lease term shall be for four years, commencing on August 1, 2003 and expiring on July 31, 2007, and may be renewed for up to two five year terms, upon mutual agreement by the parties involved.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee Planning Session which was held on Monday, June 2, 2003, were before the body.

Topics of discussion include: Internal Audit Report, Clerk of the Circuit Court Accounts Payable, Civic Center, Child Day Care, Operations Center, Billings and Collections, Cash and Inventory Counts, Engagement Letter- Roanoke City Public Schools.

Mr. Cutler moved that the Minutes be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PENSIONS: A communication from the Director of Finance advising that Council was briefed on restatement of the City's Pension Plan in May 2002; pension plans, such as the City of Roanoke's, are required to meet certain guidelines to receive favorable tax status; periodically, plans must be requalified to assure that they have incorporated tax law changes, as well as other potential changes in Federal guidelines; the City of Roanoke Pension Plan received a favorable letter of determination from the Internal Revenue Service (IRS), dated May 28, 2003, stating that it has determined that the Plan continues to be qualified in form under the Internal Revenue Code; and the determination applies to the restatement adopted by Council on May 20, 2002, was before the body.

It was further advised that the IRS letter concludes that the Plan meets applicable requirements of the Code as amended by the collection of laws referred to as "GUST" (consisting of Uruguay Round Agreement Act ("GATT"), the Uniformed Service Employment and Reemployment Rights Act of 1994 ("USERRA"), the Small Business Job Protection Act of 1996 (the "SBJP Act"), the Taxpayer Relief Act of 1997 ("TRA '97"), the Internal Revenue Service Reform and Restructuring Act of 1997 ("RRA '98"), and the Community Renewal Tax Relief Act of 2000 ("CRA"); the IRS letter does not address law changes made by the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), or the Job Creation and Workers Assistance Act of 2002 since the IRS has not opened up the determination letter process for those changes and may not do so until as late as 2005; and nevertheless, as required by EGTRRA, the Plan has been amended in good faith for the EGTRAA changes required by June 30, 2003, which provisions were included in the 2002 restatement.

Mr. Cutler moved that the communication be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-YOUTH-LIBRARIES-GREENWAY SYSTEM:

The following reports of qualification were before Council:

W. Richard Clemmer, Jr., as a member of the Youth Services Citizen Board, for a term ending May 31, 2006;

James Settle as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006;

Michael L. Ramsey as a member of the Roanoke Public Library Board, for a term ending June 30, 2006; and

Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2006.

Mr. Cutler moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): Ms. Wyatt called attention to Resolution No. 36397-061603 adopted by Council on June 16, 2003, which reconstituted the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates. She explained that in making his motion at the Council meeting on Monday, June 2, 2003, Council Member Dowe stated that the resolution should be tabled for a period of at least 30 days to provide time for input by the Presidents Council; however, in acting on the resolution on Monday, June 16, Council did not abide by the intent of Mr. Dowe's motion. Therefore, Ms. Wyatt moved that Resolution No. 36397-061603 be reconsidered, in order for the Council to be in compliance with its previous motion. The motion was seconded by Mr. Cutler and adopted.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., spoke in support of reconsideration of the resolution so that Council will be in compliance with its rules of procedure. She stated that she had no opposition to the intent of the resolution establishing the Roanoke Neighborhood Advocates, but she was concerned that Council had not followed its motion as adopted on June 2.

Question was raised as to the status of Resolution No. 36397-061603 inasmuch as the measure has been moved for reconsideration by the Council; whereupon, the City Attorney advised that Council may repeal the resolution adopted on June 16, which has an effective date of July 1, 2003, and readopt a resolution including a later effective date.

Following further discussion and clarification by the City Attorney, it was advised that Council officially removed Resolution No. 36397-061603 from the table at its meeting on Monday, June 16, 2003, and the measure was properly enacted by the Council on June 16 and will take effect on July 1, 2003 unless Resolution No. 36397-061603 is repealed and another resolution is adopted by the Council.

It was noted that the purpose of Mr. Dowe's motion on June 2 was to allow an opportunity for the issue to be presented at the Presidents Council prior to the Council acting on the resolution; the matter was before the Presidents Council prior to adoption of the resolution by Council on June 16, and the Presidents Council adopted a motion stating that it had no objection to the proposed resolution establishing the Roanoke Neighborhood Advocates.

Following further discussion, was the consensus of Council that Resolution No. 36397-061603 would remain in effect as adopted by the Council on Monday, June 16, 2003.

PETITIONS AND COMMUNICATIONS:

AIRPORT-REGIONAL CHAMBER OF COMMERCE: Beth Doughty, President, Roanoke Valley Regional Chamber of Commerce, advised that approximately one year ago, she briefed the Council on 24 tactics to improve the region's economic competitiveness, many of which are currently being addressed, although none have a higher profile than the Campaign For Fair Air Fares, which is an effort to attract a low fare air carrier to the Roanoke Regional Airport. She stated that her role is to build a Pledge Bank, which is an effort by the business community to demonstrate the size of the market in the Roanoke Valley; Air Tran has been targeted as the likely carrier to provide low fare air service to the Roanoke Regional Airport and the Pledge Bank will be presented to Air Tran by Barry Duvahl, former Secretary of Commerce and Trade, and a consultant on the project working with the City of Roanoke and Roanoke County to assist in negotiations. She explained that the goal is to raise \$2 million in pledges from the business community; currently, pledges are at \$1.96 million, with approximately \$40,000.00 to go, and she is confident that the \$2 million goal will be reached, or exceeded in the near future. She called attention to enthusiastic support by the business community, with approximately 75 businesses having made their commitment, and encouraged any business that has not made a pledge to do so as soon as possible. She commended Roanoke City Council and other Roanoke Valley governments who are partners in this effort.

Mayor Smith advised that not only large businesses, but small to medium businesses, individuals and families that travel occasionally are encouraged to make pledges in the \$500.00 to \$1,000.00 range.

Question was raised as to what the \$2 million will buy; whereupon, Ms. Doughty advised that the \$2 million is used in an effort to demonstrate the size of the market in Roanoke, which is difficult to gauge because the amount of leakage out of the market to other airports is not known. She stated that the expressed goal is round trip service to Atlanta, which is the hub of Air Tran, where the airline serves approximately 44 destinations with more than 400 departures per day.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-CITY CODE-COURTS FACILITY: The City Manager submitted a communication advising that effective July 1, 2002, current City Code Section 1-21 was enabled by State legislation, Section 53.1-120, to allow the City of Roanoke to assess a sum not to exceed \$5.00 as part of costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute ordinance; originally, State legislation contained a July 1, 2004, sunset provision on the \$5.00 fee, which sunset provision is included in the current City Code; and State legislation, effective July 1, 2003, amends Section 53.1-120 of the State Code to remove the July 1, 2004, sunset provision on the \$5.00 fee.

The City Manager recommended that Council adopt an ordinance amending the City Code to reflect elimination of the sunset provision on the \$5.00 fee assessed on cases for courthouse security.

Mr. Harris offered the following ordinance:

(#36415-070703) AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by amending §1-21, Courtroom security assessment, by deleting the sunset provision in §1-21, which section provides, pursuant to §53.1-120, Code of Virginia (1950), as amended, for assessment by the City of a fee to provide funding of courthouse security personnel; providing for an effective date; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 483.)

Mr. Harris moved the adoption of Ordinance No. 36415-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-FIFTH PLANNING DISTRICT COMMISSION: The City Manager submitted a communication advising that the Fifth Planning District Regional Alliance is an organization which was formed in 1997 to promote the economic competitiveness of this region of Virginia; established through the passage of the Virginia Regional Competitiveness Act in 1996, the Regional Competitiveness

Program enhances economic competitiveness for qualifying regions of the Commonwealth of Virginia; the program is designed to reward existing regional actions and to stimulate new regional activities; and incentive funds established for this purpose are available to localities that carry out new levels of regional economic development and meet established requirements.

It was further advised that the Fifth Planning District Regional Alliance is composed of government, business and educational leaders from throughout the region; the Alliance serves the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke; the Cities of Covington, Roanoke and Salem; and the Towns of Vinton and Clifton Forge; and staffing and administration for the Alliance is provided by the Roanoke Valley-Alleghany Regional Commission.

It was explained that the Fifth Planning District Regional Alliance is making application to re-qualify as a regional competitiveness partnership under the Virginia Regional Competitiveness Act of 1996; and each participating government in the region must approve a resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for distribution of incentive funds.

The City Manager recommended that Council adopt a resolution establishing its intent to continue participation in the Regional Alliance and approving the methodology for distribution of incentive funds.

Mr. Dowe offered the following resolution:

(#36416-070703) A RESOLUTION in support of participation in the Fifth Planning District Regional Alliance and support for the distribution mechanism of Regional Competitiveness funds.

(For full text of Resolution, see Resolution Book No. 97, page 485.)

Mr. Dowe moved the adoption of Resolution No. 36416-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PURCHASE/SALE OF PROPERTY-BUDGET-CITY PROPERTY-DOWNTOWN ROANOKE, INCORPORATED-HOUSING/AUTHORITY: The City Manager submitted a communication advising that City staff is of the opinion that property located at 120 Commonwealth Avenue, N. E., which is a highly visible location, is appropriate for use as a gateway to downtown Roanoke; the Roanoke Redevelopment and Housing Authority (RRHA) has reached an agreement with owners to purchase the property on the City's behalf; and funding, in the amount of \$130,000.00, for the consideration and related expenses is available in Residual Equity Transfer (001-3337), resulting from the previous discontinuation of the Management Services Fund and may be appropriated to a new account entitled "120 Commonwealth Avenue" to be used for purchase of the property.

The City Manager recommended that she be authorized to purchase property identified as Official Tax Nos. 3012825, 3012826, and 3012827, subject to satisfactory environmental site inspection; and appropriate funds from fund balance Account No. 001-3337 to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "120 Commonwealth Avenue".

Mr. Dowe offered the following budget ordinance:

(#36417-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General and Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 486.)

Mr. Dowe moved the adoption of Ordinance No. 36417-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following ordinance:

(#36418-070703) AN ORDINANCE providing for the acquisition of property located at 120 Commonwealth Avenue, N. E., and identified by Roanoke City Tax Map Nos. 3012825, 3012826 and 3012827, authorizing the proper City officials to execute and attest any necessary documents for this acquisition; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 488.)

Mr. Dowe moved the adoption of Ordinance No. 36418-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has conducted a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City; on October 15, 2002, pursuant to Resolution No. 36096-101502, Council authorized execution of a CDBG and HOME-funded agreement with the RRHA to provide financial assistance for rehabilitation of owner-occupied and rental housing as part of the *Southeast . . . By Design* project and for continuing activities under the RRHA's *Washington Park Housing Enhancement* program, which supports its *Lincoln 2000* project.

It was further advised that in its *Southeast . . . By Design* efforts, the RRHA provides limited emergency and critical repairs through the *Quick Response to Emergencies* and *Critical Assistance Repairs for the Elderly* (CARE) programs; for major rehabilitation needs, the RRHA offers substantial loans to homeowners through its *Consolidated Loan Program*; and *The Washington Park Housing Enhancement* program has been active over the course of the *Lincoln 2000* project and offers major rehabilitation loans to homeowners, as well as development of housing for sale to homebuyers.

The City Manager explained that on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized additional funding for the RRHA's *Southeast . . . By Design* and *Washington Park* housing activities by approving the City's 2003-

2004 Consolidated Plan Annual Update for submission to the U. S. Department of Housing and Urban Development (HUD); and Council accepted 2003-2004 CDBG and HOME funds on June 16, 2003, pursuant to Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of HUD's grant approvals.

It was further explained that in order for the RRHA to conduct housing activities approved in the Consolidated Plan, action by Council is needed; because the *Southeast . . . By Design* and *Washington Park* activities are ongoing projects, it is more efficient financially and programmatically to increase funding and extend the existing agreement than to create a new agreement; necessary CDBG and HOME funding is available; the extended agreement will be valued at \$2,079,662.00, which includes the original funding of \$1,051,162.00, along with the \$870,000.00 in new funds provided for in the 2003-2004 Consolidated Plan and \$158,500.00 in Washington Park funding unexpended from the 2001-2002 agreement; of the total \$2,079,662.00 funding, \$439,112.00 will have been expended by June 30, 2003, leaving \$1,640,550.00 available for activities during the 2003-2004 period; and, in addition, the RRHA is also expected to leverage as much as \$750,000.00 in private rehabilitation financing through its line-of-credit with SunTrust Mortgage.

The City Manager recommended that she be authorized to execute an amendment to the 2002-2003 CDBG/HOME Agreement with the RRHA, to be approved as to form by the City Attorney.

Mr. Dowe offered the following resolution:

(#36419-070703) A RESOLUTION authorizing the appropriate City officials to execute an Amendment to the 2002-2003 Agreement with the Roanoke Redevelopment and Housing Authority and HOME Investment Partnership Program to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 489.)

Mr. Dowe moved the adoption of Resolution No. 36419-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that since 1996, the Blue Ridge Housing Development Corporation (BRHDC) has successfully conducted several housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on October 15, 2002, pursuant to Resolution No. 36095-101502, Council authorized execution of a CDBG and HOME-funded agreement with BRHDC to develop housing for new homeownership as part of the *Southeast . . . By Design* project; since that time, BRHDC has been acquiring properties for rehabilitation or new construction; in addition, BRHDC has been working with its architects and with Virginia Tech to prepare attractive, compatible and affordable housing designs; environmental reviews have been completed on the properties acquired and construction bid processes have begun; and actual construction work is expected to extend through June 2004, with up to an additional six months needed thereafter to complete the sale of all homes.

It was further advised that on May 12, 2003, pursuant to Resolution No. 36326-051203, Council authorized additional funding for BRHDC's *Southeast . . . By Design* activities by approving submission of the City's 2003-2004 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development (HUD); and Council accepted 2003-2004 CDBG and HOME funds on June 16, 2003, pursuant to Budget Ordinance No. 36377-061603 and Resolution No. 36378-061603, pending receipt of grant approvals from HUD.

It was explained that in order for BRHDC to conduct housing activities approved in the Consolidated Plan, action by Council is needed; because this is an ongoing project, it is more efficient financially and programmatically to extend and increase the funding under the existing agreement than to create a new agreement; necessary CDBG and HOME funding is available; the original agreement was funded at \$698,432.00, of which \$231,000.00 has been expended through June 30, 2003; by extending the agreement, the balance of \$467,000.00 will continue to be available for completing acquisitions and other predevelopment and development costs; as specified in the plan submitted to HUD, a total of \$602,265.00 in new CDBG and HOME funding is to be provided, which will increase overall funding provided under the agreement to \$1,300,697.00, and, in addition, BRHDC is expected to contribute over \$530,000.00 through its line-of-credit and construction loans.

The City Manager recommended that she be authorized to execute Amendment No. 1 to the 2002-2003 CDBG/HOME Agreement with the BRHDC, to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36420-070703) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 1 to the 2002- 2003 Agreement with the Blue Ridge Housing Development Corporation to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 490.)

Mr. Cutler moved the adoption of Resolution No. 36420-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-GRANTS-VIRGINIA CARES: The City Manager submitted a communication advising that the Virginia Community Action Re-entry System, Inc., (Virginia CARES) is a nonprofit organization with its home office in the City of Roanoke, offering extensive experience in offender services; funding has been provided through June 30, 2003, by the Byrne Memorial Formula Grant Program (Byrne Grant), administered by the Department of Criminal Justice Services (DCJS); the grant may be awarded only to a locality and requires a 25 per cent cash match; and the locality must then contract with Virginia CARES to conduct offender services.

It was explained that in January 2003, the City agreed to serve as Grantee and fiscal agent for the Byrne Grant, and the City Manager executed, on behalf of the City, the Virginia CARES Byrne Grant application; the application was successful and the City currently contracts with Virginia CARES to provide pre- and post-incarceration services to offenders to assist with reintegration into the community; and Virginia CARES and its subcontracting agencies are responsible for providing all required matching funds.

It was further explained that on May 8, 2003, the City Manager signed an application submitted by Virginia CARES for \$570,519.00 in Byrne Grant funding to continue the program from July 1, 2003, through June 30, 2004; Virginia CARES and its subcontracting agencies will remain responsible for securing the \$190,173.00 in required matching funds; and a letter notifying the City of grant approval was received from DCJS on June 19, 2003.

The City Manager advised that under the new contract the City will continue to act as fiscal agent and project administrator; Virginia CARES and its subcontractors will continue to perform all day-to-day operational activities, such as service delivery, payroll functions and vendor payments; contract procedures will provide that Byrne Grant funds disbursed to Virginia CARES cannot exceed three times the amount of match expended, in principle avoiding City liability for match shortfalls; however, through its involvement with the grant, the City will assume a level of risk with respect to the actuality of disbursed funds being expended and the allowability of those expenditures; because Virginia CARES operates through a statewide network of 12 offices, it would not be feasible for the City to obtain all source documents for expenditures when disbursing grant funds; and as such, limited reviews of expenditure source documents for allowability and proper support of expenditures can be made by the program manager and staff of the Department of Finance at interim points during the period of the Agreement, prior to program audit.

The City Manager recommended that Council take the following actions:

1. Authorize the City Manager to sign, on behalf of the City, the necessary forms to accept the DCJS Byrne Grant funds;
2. Appropriate \$570,519.00 in Byrne Grant funds and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund; and
3. Authorize the City Manager to execute a subgrant agreement with Virginia CARES, Inc., to be approved as to form by the City Attorney.

Ms. Wyatt offered the following budget ordinance:

(#36421-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 491.)

Ms. Wyatt moved the adoption of Ordinance No. 36421-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Ms. Wyatt offered the following resolution:

(#36422-070703) A RESOLUTION accepting a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services, authorizing the City Manager to execute the requisite documents for such grant, authorizing the City Manager to execute a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 492.)

Ms. Wyatt moved the adoption of Resolution No. 36422-070703. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

DOWNTOWN ROANOKE, INCORPORATED-RESIDENTIAL PARKING-CITY CODE: The City Manager submitted a communication advising that the City of Roanoke began issuing Residential Parking Permits for the Downtown Service District (DSD) on May 6, 2003, and a total of five permits have been issued for the DSD since that time; the permit parking program was originally structured to allow residents of a permit area to obtain a permit after presenting their driver's license and vehicle registration, both of which must show that they reside in the permit area; the required documentation currently excludes residents that may be occupying a property as a second home; the City Treasurer's Office has received several requests for permits within the DSD from residents that occupy a DSD property as a second home; due to modest participation in the program thus far and the desire to encourage persons to choose the City of Roanoke (especially downtown) as a

place of residence, it is recommended that the availability of permit parking be extended to those residents that occupy an eligible property as a second home; therefore, a revision to the City Code is recommended to allow expansion of the permit parking program.

The City Manager recommended that Council adopt an ordinance amending Section 20-80 (b), Division 2, Residential Parking Permits, Article IV, Stopping, Standing and Parking, Code of the City of Roanoke (1979), as amended, Chapter 20, Motor Vehicles and Traffic, to change requirements pertaining to documentation that must be presented to obtain a parking permit; the proposed revision will allow other documentation such as utility bills to provide sufficient proof that the applicant occupies a property as a second home; and the City Treasurer administers issuance of the program, therefore, he would determine the adequacy of documentation presented by the applicant.

Mr. Dowe offered the following ordinance:

(#36423-070703) AN ORDINANCE amending Section 20-80 of Division 2 Residential Parking Permits, of Article IV, Stopping, Standing and Parking, Chapter 20, Motor Vehicles and Traffic, Code of the City of Roanoke (1979), as amended, amending the City's residential parking permit system; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 493.)

Mr. Dowe moved the adoption of Ordinance No. 36423-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

PURCHASE/SALE OF PROPERTY-EASEMENTS-WATER RESOURCES: The City Manager submitted a communication advising that Council adopted Ordinance No. 36202-012103 providing for acquisition of property rights needed for construction of the Roanoke Water Pollution Control Plant Wet Weather Project on January 21, 2003; to date, property acquisition has proceeded ahead of schedule

and has generally been well received by property owners and adjacent businesses; during the course of negotiations, it has become known that one of the property owners represented on the original property acquisition list has ownership of a connected parcel not currently considered for purchase; initial indications from the property owner indicate a preference that the parcels of land be sold together; the property in question is owned by Stacy Tree Service Inc., Official Tax No. 4340315; in reviewing the situation, City staff further believes that the parcel of land will likely have some benefit in future road alignments related to Plant expansion; therefore, authorization is needed to move forward with procurement of title work, appraisals, and documents preparation related to acquisition of the necessary property rights, and funding is available in Account No. 003-510-8362-9050 for the additional property.

The City Manager recommended that the City Manager and the City Attorney be authorized to take all necessary steps to acquire all property rights for the above described property, such property rights may be acquired by negotiation or eminent domain, and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc., subject to satisfactory environmental site inspection.

Mr. Cutler offered the following ordinance:

(#36424-070703) AN ORDINANCE providing for the acquisition of property identified as Official Tax No. 4340315, needed by the City from Stacy Tree Service, Inc., in connection with the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the parcel for the purpose of commencing the project; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 495.)

Mr. Cutler moved the adoption of Ordinance No. 36424-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

BUDGET-HUMAN SERVICES COMMITTEE: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$540,159.00, was established by Council with adoption of the General Fund budget for fiscal year 2003-04 on May 12, 2003; requests from 43 agencies, totaling \$1,099,358.00, were received; and agencies were notified of tentative allocations and advised that they could appeal the funding recommendations.

It was explained that appeals of Human Services Committee recommendations, as provided by policy, were received after notification of each agency of its tentative recommended allocation; appeals were filed by the National Multiple Sclerosis Society and Roanoke Valley CASA; after hearing appeals, no changes were made to the recommended allocations; and performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

The City Manager recommended that Council transfer \$540,159.00 from the Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established within the Human Services Committee budget, as follows:

	<u>Recommended 2003/04</u>
Planned Parenthood of Blue Ridge	\$ 5,000.00
Roanoke Valley Speech and Hearing Center	3,500.00
Unified Human Services Transportation (RADAR)	
Star Program	20,000.00
Bethany Hall	10,000.00
Roanoke Valley CASA	5,000.00
Southwestern Virginia Second Harvest Food Bank	15,000.00
Greenvale School	10,000.00
Child Advocacy Center - Family Support Program	5,000.00
Roanoke Area Ministries	30,000.00
Conflict Resolution Center	6,000.00
Brain Injury Services of Southwest Virginia	10,000.00
Blue Ridge Independent Living Center	10,000.00
League of Older Americans	29,000.00
Adult Care Center	7,000.00
Presbyterian Community Center, Inc. - Pathways Program	-0-
Mental Health Association	2,300.00
TRUST - Roanoke Valley Trouble Center	8,000.00
National Multiple Sclerosis Society	-0-
Girl Scouts of Virginia Skyline Council, Inc.	5,000.00
Northwest Child Development Center	20,000.00

Council of Community Services:	
A. Information and Referral/Volunteer Roanoke Valley	\$ 13,000.00
B. Human Services Planning Project	-0-
Apple Ridge Farm	7,795.00
Roanoke Adolescent Health Partnership, Inc.	10,000.00
Fifth District Employment and Training Consortium-	
Homeless Supportive Service Initiative	5,000.00
Family Services of Roanoke Valley:	
A. Action Program	3,000.00
B. Home Care Aide	15,000.00
C. Family and Individual Counseling	10,000.00
D. Adults Plus	14,500.00
Blue Ridge Legal Services, Inc.	3,000.00
Bradley Free Clinic	30,000.00
West End Center for Youth:	40,000.00
A. Educational Services Program	
B. After School Program	
Downtown Music Lab	4,000.00
The National Conference for Community and Justice	
(NCCJ)	2,000.00
Big Brothers/Big Sisters of Roanoke Valley:	
Community Based Mentoring Program	3,000.00
Goodwill Industries of the Valleys	30,000.00
Roanoke Valley Interfaith Hospitality Network	5,000.00
St. John's Community Youth Program, Inc.	5,000.00
Boys and Girls Club - Violence Prevention	10,000.00
Roanoke Valley Family Learning Center	-0-
Roanoke Valley Chapter - American Red Cross -	
Disaster Services	-0-
Salvation Army:	
A. Turning Point	14,000.00
B. Emergency Shelter and Transitional	
Housing for Men	14,000.00
Inner City Athletic Association	4,000.00
CHIP:	
A. Helpful Opportunities for Parents to Excel (HOPE)	5,000.00
B. Family Strengthening	25,000.00
C. Care Coordination	22,000.00
YMCA of Roanoke Valley - Magic Place	9,000.00
YMCA of Roanoke Valley - Homework Success and	
Drop-In Summer Outreach	10,000.00

YWCA:

A. Therapeutic Aquatics	\$ 5,000.00
B. Child Care	5,000.00
C. Youth Club	5,000.00
D. Resident Program	-0-
Council of Community Services - Monitoring Services	11,064.00

- **Appropriate funding in the amount of \$73,141.00 to Account No. 001-630-5315-2010.**

Mr. Dowe offered the following budget ordinance:

(#36425-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 496.)

Mr. Dowe moved the adoption of Ordinance No. 36415-070703. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, and Cutler-----5.

NAYS: Mayor Smith-----1.

(Council Member Fitzpatrick was absent.)

Mr. Bestpitch stated that even though his spouse is employed by the YMCA of Roanoke Valley, one of the agencies to be funded through the Human Services Committee, the City Attorney advises that he does not have a conflict of interest and may cast his vote on the budget ordinance.

The Mayor advised that approximately 29 agencies have been recommended for funding through the Human Services Committee for fiscal year 2003, and he supports 28 of the 29 agencies; however, he cannot support funding for Planned Parenthood of the Blue Ridge in the amount of \$5,000.00.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in fiscal year 2002-03, the Police Department provided for a fee training at its Police Academy for Roanoke County's police officers, recruit officers and dispatchers; the City of Roanoke Police Department has agreed to

provide to Roanoke County the same fee-based training in fiscal year 2003-04; and the Police Department received \$26,820.00 in June 2003 (\$180.00 per person X 149 persons) for fiscal year 2003-04 training and deposited the funds to deferred revenue, Account No. 001-2338.

The City Manager recommended that Council appropriate \$26,820.00 to the General Fund, Police Training, Account No. 001-640-3115-2044, for training and development, with a corresponding increase to the General Fund revenue estimate for Roanoke County Police Training, Account No. 001-110-1234-1461.

Mr. Dowe offered the following budget ordinance:

(#36426-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 499.)

Mr. Dowe moved the adoption of Ordinance No. 36426-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

GRANTS-HOUSING/AUTHORITY-HOTEL ROANOKE CONFERENCE CENTER-
LOANS: The City Manager and the Director of Finance submitted a joint communication advising that the City of Roanoke entered into a United States Department of Housing and Urban Development (HUD) Section 108 Loan Agreement for \$6 million in March 1994, with an average interest rate of 6.78 per cent; funds were loaned to Hotel Roanoke, LLC via a three-party loan agreement between the City of Roanoke, Roanoke Redevelopment and Housing Authority (RRHA) and Hotel Roanoke, LLC, and were used as part of the financing for refurbishing The Hotel Roanoke; the three party loan agreement states that Hotel Roanoke, LLC will pay the same interest rate that the City pays on the HUD loan; the City pledged its Community Development Block Grant (CDBG) for repayment of the loan, if necessary; CDBG funds are used to repay the loan, and payments from Hotel

Roanoke, LLC are treated as CDBG program income; per the loan agreement with Hotel Roanoke, LLC, annual payments are made to the extent that operating revenues are available, as defined in the loan agreement; and any unpaid amounts accumulate and are added to future payments due.

It was further advised that the HUD Section 108 loan is eligible for refinancing after payment of the scheduled August 1, 2003 payment; the City is in the process of coordinating with HUD to refinance the remaining principal balance of \$3,825,000.00; HUD believes that the City should be able to refinance the outstanding balance at approximately one half of the current rate; if the City is successful in obtaining this favorable interest rate, savings should approximate \$850,000.00 to \$870,000.00 over the remaining life of the loan; the lower interest rate will reduce future payments due from Hotel Roanoke, LLC and improve the potential for collecting the amounts due in arrears, which will potentially result in more CDBG program income for future years; and the loan agreement with RRHA and Hotel Roanoke, LLC will need to be amended to reflect the lower interest rate.

The City Manager and the Director of Finance recommended that Council adopt a resolution authorizing the City Manager, the City Clerk, and the City Attorney to execute the necessary documents to refinance the HUD Section 108 loan, and to authorize the City Manager to execute an amendment to the loan agreement with RRHA and Hotel Roanoke, LLC., to conform the terms of such contract with the terms of refinancing.

Mr. Dowe offered the following resolution:

(#36413-070703) A RESOLUTION authorizing certain actions in connection with the redemption and refinancing of certain Section 108 guaranteed obligations previously issued by the City.

(For full text of Resolution, see Resolution Book No. 97, page 480.)

Mr. Dowe moved the adoption of Resolution No. 36413-070703. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith -----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of May 2003.

There being no questions and without objection by Council, the Mayor advised that the Financial Report for the month of May 2003 would be received and filed.

BUDGET: The Director of Finance submitted a written report advising that at the close of fiscal year 2003, budgeted funds were obligated for outstanding encumbrances; purchase orders or contracts were issued for goods and services as of the close of fiscal year 2003, but delivery of the goods or performance of the services were not completed; reappropriation of the funds will carry forward unspent budgets that were originally appropriated and are contractually obligated for the goods and services; and appropriation amounts are as follows:

General Fund	\$1,968,007.00
Water Fund	270,169.00
Water Pollution Control Fund	600,430.00
Civic Facilities Fund	31,309.00
Department of Technology Fund	187,216.00
Fleet Management Fund	1,305,495.00
School Fund	2,620,094.00
School Food Services Fund	50,570.00

The Director of Finance recommended that Council adopt an ordinance to reappropriate funds into current year budgets, in order that encumbrances may be properly liquidated.

Mr. Dowe offered the following budget ordinance:

(#36427-070703) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, Water, Water Pollution Control, Civic Center, Department of Technology, Fleet Management, School and School Food Services Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 500.)

Mr. Dowe moved the adoption of Ordinance No. 36427-070703. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

REPORTS OF COMMITTEES:

COMMUNITY PLANNING-RAILSIDE LINEAR WALK: A report of the City Planning Commission advising that renaming the Railside Linear Walk the O. Winston Link Railwalk was considered by the Planning Commission on June 19, 2003; the Railside Linear Walk project has been a multi-year effort linking the downtown market area with the Transportation Museum, and honoring Roanoke's railroad history; a proposal to change the name to the O.Winston Link Railwalk was presented to Council on May 19, 2003; and upon consideration of the request and public comment received during the meeting, Council referred the matter to the City Planning Commission for study, report and recommendation, was before the body.

It was further advised that prior to the City Planning Commission's consideration, various organizations with an interest in downtown Roanoke, historic, and railroad related issues were contacted to comment on the proposed name change; and the City Planning Commission received written comments from the following organizations and interests:

Downtown Roanoke, Inc., which supported the name change to the O. Winston Link Railwalk.

Roanoke Chapter, National Railway Historic Society, which did not support the proposed name change, but preferred naming the facility after Robert H. Smith, former President of Norfolk and Western Railroad.

Roanoke Valley Preservation Foundation, which did not support the proposed name change, but preferred naming the railwalk the, "Norfolk and Western Railwalk."

It was explained that City Planning Commission discussion centered around a wide range of opinions that were presented on the subject, and the current status of the railwalk in relation to its original concept and intent; some members of the Planning Commission stated that the railwalk had not been implemented to the point that it could be identifiable to any one person; however, eventual consensus by

Planning Commission members was that the question was not the current programming of the railwalk, or whether or not it had fully reached its potential, but whether the requested name change was appropriate; therefore, it was the consensus of the City Planning Commission that there appeared to be no compelling reason not to support the requested name change, nor any reason to continue to seek additional input into the matter, before sending a recommendation to the Council.

The City Planning Commission recommended that Council approve renaming the Railside Linear Walk the O. Winston Link Railwalk.

Mr. Cutler offered the following resolution:

(#36428-070703) A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk.

(For full text of Resolution, see Resolution Book No. 97, page 505.)

Mr. Cutler moved the adoption of Resolution No. 36428-070703. The motion was seconded by Mr. Bestpitch.

John P. Bradshaw, President, Southwest Virginia History Museum, spoke in support of the proposed name change.

Resolution No. 36428-070703 was adopted by the following vote:

AYES: Council Members Dowe, Harris, Wyatt, Bestpitch, Cutler and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

FIRE DEPARTMENT- ACTS OF ACKNOWLEDGMENT: Council Member Wyatt expressed appreciation to the Volunteer Fire Department in Scruggs, Virginia, for its assistance in coming to the aid of a family member who needed oxygen over the July 4th weekend.

ACTS OF ACKNOWLEDGMENT: Mayor Smith commended all persons involved in the City's successful July 4th activities.

FIRE DEPARTMENT: Council Member Cutler commended the City of Roanoke Fire/EMS Department, in connection with its efforts to extinguish a fire on Cornwallis Avenue, S. E., on July 5th.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridge Crest Road, Hardy, Virginia, spoke in support of preserving Victory Stadium. He called attention to successful 4th of July celebrations at Victory Stadium that have been enjoyed by a large segment of the Roanoke Valley. He stated that Victory Stadium is a historical site and should be preserved in memory of World War II veterans; there is sufficient area under the grandstands for office space, exhibits, etc.; and the field is large enough to accommodate a running track for Roanoke's high school students. He added that a large number of citizens have signed petitions in opposition to the Orange Avenue site for the proposed stadium/amphitheater, and the issue should be placed on the November ballot for a vote by the citizens of Roanoke.

POLICE DEPARTMENT-SCHOOLS: Ms. Alice Hinchey, 4024 South Lake Drive, S. W., requested that Police Officer Ray Lewis be reinstated as a School Resource Officer at Patrick Henry High School. She stated that the school division has experienced problems with regard to school safety, crime and violence; and when Officer Lewis made the decision to come forth and speak to the news media with regard to his observations and concerns, he caused other Roanoke City employees to make a choice as to whether they were to be a part of the school system's problems or a part of the solution; unfortunately the Police Department made the wrong choice when officials decided to reassign Officer Lewis from the Schools to the Patrol Division; and when the City Manager offered to reinstate Officer Lewis as a School Resource Officer at William Fleming High School, her action was short of

the goal to return Officer Lewis to Patrick Henry High School. She stated that Council is a separate entity and cannot solve all of the problems of the schools, but this is one aspect of the school safety and violence issue that Council can provide a solution; therefore, she requested that Officer Lewis be reinstated as a School Resource Officer, not at William Fleming, but at Patrick Henry High School.

Mr. Joe "Butch" Church, 1921 Queens Mill Drive, Roanoke County, appeared before Council as a citizen of Roanoke County to speak on behalf of Officer Lewis. He stated that Student Resource Officers are critical to school safety; and in working with Roanoke County government as an elected official, he was instrumental in obtaining four grants from the Commonwealth of Virginia for School Resource Officers for Roanoke County Schools. He spoke in support of Officer Lewis as a friend, as a person who is trustworthy, honest, caring and his decisions are made for the right reasons. He added that Officer Lewis has an uncanny ability to identify a situation that is about to get out of hand and diffuse the situation, which is a skill that cannot be taught. He advised that a School Resource Officer may be the last connection with a troubled student, or the last connection before disaster happens; and Officer Lewis is highly skilled in his profession, and he is an asset to Patrick Henry High School.

POLICE DEPARTMENT-BUDGET-COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert N. Gravely, 3360 Hersherberger Road, N. W., advised that the City of Roanoke is behind schedule in maintaining its infrastructure and its neighborhoods. He spoke in connection with the need to increase the wages of City employees so that the average City worker can afford a home and a vehicle.

POLICE DEPARTMENT-COMPLAINTS: Mr. Hugh Mayo, 930 Lafayette Boulevard, N. W., owner of Big Daddy's Ice House, a non-alcoholic beverage nightclub for persons age 18 and over, which is located in downtown Roanoke, advised that his business has been discriminated against by the City of Roanoke. He added that false remarks have been made about his business by the Police Department, the City sent a letter to the owner of the building providing five days to correct an alleged public nuisance, and the doors to the building housing his business were locked by the property owner. He stated that his business does not constitute a public nuisance and it is wrong for the Police Department to make false statements.

Council Member Fitzpatrick entered the meeting.

POLICE DEPARTMENT-SCHOOLS: Council Member Bestpitch expressed concern with regard to school discipline and the possibility of violence in the Roanoke City Public Schools; and advised that he has requested a clarification by the

City Manager with regard to the appropriate roles and responsibilities of the School Resource Officer program in general. He stated that there is a need for broadbased collaboration among School staff, the Police Department, parents and students, to look at specific questions and to recommend a better way to address school discipline problems, to ensure appropriate roles and responsibilities for School Resource Officers; and it is hoped that Council Members will have no objection to recommending that such a process take place, through broad based participation and involvement. He further stated that a second issue of concern to him personally, and he has posed specific questions to the City Manager, is in regard to the decision to reinstate Officer Lewis as a School Resource Officer at William Fleming High School, as opposed to Patrick Henry High School, where he was originally assigned and he is waiting for the City Manger's response; however, he stated that he is not willing to stand by and see any specific individual scapegoated for larger problems that do not appear to have been of his making.

Council Member Wyatt advised that she has listened to Officer Lewis' side of the story, reviewed his documentation, and found him to be an honorable man, whose biggest sin is that he loves Patrick Henry High School and the students enough that he is willing to put himself on the line, which is a gift that the City of Roanoke should not loose. She advised that Officer Lewis gave his best, and asked that the City treat him fairly and not allow him to be used as a scapegoat, while losing sight of the bigger issue, which is that he put his career on the line for the safety of Roanoke's children. She advised that the School Board and the School Superintendent have a responsibility to address the issue.

The Mayor requested information on the chain of command within the Police Department and how the School Resource Officer program interacts between the City and the School system.

The City Manager responded that the issue is a personnel matter, and she will continue to maintain the confidentiality of this and all personnel matters. She stated that she has committed to an independent personal investigation of the matter; she initiated the original investigation when she expressed concern with regard to media coverage, which did not demonstrate whether or not the Police Officer, for whom she is responsible, had acted in accordance with all of his responsibilities; she was not concerned about the fact that the Police Officer spoke with the news media, when, in fact, City employees, both current and past, have appeared before Council on a regular basis and made comments about her performance, or the performance of the City administration, and the record demonstrates that City employees are free to make comments, therefore, the issue of speaking out is not the issue. She advised that she met with Officer Lewis on two occasions, and waited approximately

eight days for him to provide additional documentation which was not received until last week. She further advised that the chain of command, rightly or wrongly, is such that she is the Council's appointee and any action on a personnel matter should be addressed with her as Roanoke's City Manager, because the chain of command stops at that point. She stated that the Chief of Police reports to the City Manager; she has reviewed the matter independently of the Police Department's investigation; and her record is such that she has demonstrated that she tries to treat each and every employee issue confidentially and fairly and will continue to do so. She stated that it is understood that there is much public sentiment around the issue; and she must make her decision based upon the evidence that is demonstrated to her in a review of the situation. She advised that the Council would be provided with a list of the chain of command within the Police Department; however, the buck stops with the City Manager.

CITY MANAGER COMMENTS: NONE.

At 3:35 p.m., the meeting was declared in recess for two Closed Sessions.

At 5:15 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Fitzpatrick, Harris and Bestpitch who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Ms. Wyatt moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in my motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Fitzpatrick , Harris and Bestpitch were absent.)

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING: The Mayor advised that there is a vacancy on the City Planning Committee created by the resignation of S. Wayne Campbell, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Paula Prince.

There being no further nominations, Paula Prince was appointed as a member of the City Planning Commission, to fill the unexpired term of S. Wayne Campbell, resigned, ending December 31, 2004, by the following vote:

FOR MS. PRINCE: Council Members Dowe, Wyatt, Cutler and Mayor Smith----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority created by the resignation of Beverly T. Fitzpatrick, Jr., and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Greg Feldmann.

There being no further nominations, Mr. Feldmann was appointed as a member of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2006, by the following vote:

FOR MR. FELDMANN: Council Members Dowe, Wyatt, Cutler and Mayor Smith -----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD: The Mayor advised that the three year term of office of Gail Burrus as a member of the Court Community Corrections Program Regional Community Criminal Justice Board expired on June 30, 2003, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Gail Burrus.

There being no further nominations, Ms. Burrus was reappointed as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2006, by the following vote.

FOR MS. BURRUS: Council Members Dowe, Wyatt, Cutler and Mayor Smith--4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

HUMAN DEVELOPMENT-COMMITTEES: The Mayor advised that the one year terms of office of Frank W. Feather, Pamela Kestner-Chappelear and Judy O. Jackson as members of the Human Services Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Frank W. Feather, Pamela Kestner-Chappelear and Judy O. Jackson.

There being no further nominations, Mr. Feather, Ms. Kestner-Chappelear, and Ms. Jackson were reappointed as members of the Human Services Committee, for terms ending June 30, 2004, by the following vote:

FOR MR. FEATHER, MS. KESTNER-CHAPPELEAR, AND MS. JACKSON: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES- FLOOD REDUCTION/CONTROL: The Mayor advised that the one year terms of office of Kathy S. Hill, E. L. Noell and Herbert C. Berding, Jr., as members of the Flood Plain Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Kathy S. Hill, E. L. Noel, and Herbert C. Berding, Jr.

There being no further nominations, Ms. Hill, Mr. Noel and Mr. Berding were reappointed as members of the Flood Plain Committee, for terms ending June 30, 2004, by the following vote:

FOR MS. HILL AND MESSRS NOEL AND BERDING: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES- WAR MEMORIAL: The Mayor advised that the one year term of office of Sloan H. Hoopes as a member of the War Memorial Committee expired on June 30, 2003, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Sloan H. Hoopes.

There being no further nominations, Mr. Hoopes was reappointed as a member of the War Memorial Committee, for a term ending June 30, 2004, by the following vote:

FOR MS. HOOPES: Council Members Dowe, Wyatt, Cutler and Mayor Smith--4.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that the one year terms of office of E. C. Pace, III, Eddie Wallace, Michael A. Loveman and Carl H. Kopitzke as members of the Mill Mountain Advisory Committee expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of E. C. Pace, III, Eddie Wallace, Michael A. Loveman, and Carl H. Kopitzke.

There being no further nominations, Mr. Pace, Mr. Wallace, Mr. Loveman and Mr. Kopitzke were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2004, by the following vote:

FOR MESSRS: PACE, WALLACE, LOVEMAN AND KOPITZKE: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

COMMITTEES-PERSONNEL DEPARTMENT: The Mayor advised that the three year terms of office of Alphonzo L. Holland, Sr., and Carol D. Tuning as members of the Personnel and Employment Practices Commission expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Alphonzo L. Holland, Sr., and Carol D. Tuning.

There being no further nominations, Mr. Holland and Ms. Tuning were reappointed as members of the Personnel and Employment Practices Commission, for terms ending June 30, 2006, by the following vote:

FOR MR. HOLLAND AND MS. TUNING: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

(Ms. Tuning submitted her resignation as a member of the Personnel and Employment Practices Commission on August 4, 2003, prior to subscribing to the Oath of Office for her new term.)

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP (ROANOKE NEIGHBORHOOD ADVOCATES): The Mayor opened the floor for nominations for one additional appointment to the Roanoke Neighborhood Advocates; whereupon, Ms. Wyatt placed in nomination the name of Sandra Kelley.

There being no further nominations, Ms. Kelley was appointed as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2006, by the following vote:

FOR MS. KELLEY: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Fitzpatrick, Harris, and Bestpitch were absent.)

ROANOKE VALLEY-ALLEGHENY REGIONAL COMMISSION-OATHS OF OFFICE: The Mayor advised that the three year terms of office of William D. Bestpitch, Darlene L. Burcham and R. Brian Townsend as members of the Roanoke Valley-Allegheny Regional Commission expired on June 30, 2003, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of William D. Bestpitch, Darlene L. Burcham and R. Brian Townsend.

There being no further nominations, Ms. Burcham and Messrs. Bestpitch and Townsend were reappointed as members of the Roanoke Valley-Allegheny Regional Commission, for terms ending June 30, 2006, by the following vote:

FOR MS. BURCHAM AND MESSRS. BESTPITCH and TOWNSEND: Council Members Dowe, Wyatt, Cutler and Mayor Smith-----4.

(Council Members Fitzpatrick, Harris and Bestpitch were absent.)

There being no further business, at 5:25 p.m., the Mayor declared the meeting in recess until Friday, July 18, 2003, at 12:00 noon, for the Regional Leadership Summit Luncheon, which will be hosted by Roanoke County at Virginia's Explore Park, Visitor Center Theater, 3900 Rutrough Road, S. E., Roanoke, Virginia.

The City Council meeting reconvened on Friday, July 18, 2003, at 12:00 noon at Virginia's Explore Park (Visitor Center Theater), 3900 Rutrough Road, S. E., Roanoke, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----3.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris and Linda F. Wyatt-----4.

OFFICERS PRESENT: George C. Snead, Jr., Assistant City Manager for Operations; and Sheila N. Hartman, Assistant City Clerk.

Also present were Wayne G. Strickland, Secretary, Fifth Planning District Regional Alliance; Beth Doughty, President, Roanoke Regional Chamber of Commerce; Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport; and members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Bedford County, Franklin County, Roanoke County, City of Covington, City of Roanoke, City of Salem, Town of Clifton Forge and Town of Vinton.

REGIONAL INITIATIVES: Joseph P. McNamara, Chair, Roanoke County Board of Supervisors, introduced Elmer C. Hodge, Roanoke County Administrator, who presented the following highlights of the Roanoke Regional initiatives:

Public Safety

**Read Mountain Cooperative Fire and Rescue Station
Built by Roanoke County and equipped by Botetourt
County in 1990-1991;
Located within Botetourt County lines;
Fulfills the public safety needs of both localities with an
all-volunteer staff;**

Clearbrook Cooperative Fire & Rescue Station
Joint Roanoke County/Roanoke City staffing;
Responds to calls across jurisdictional lines;

Vinton Cooperative Fire & Rescue Effort
County of Roanoke and Town of Vinton work together out of Fire House #2, which allows the operation to function as a joint fire and rescue station;

Roanoke Regional Fire/EMS Training Center
Provides firefighting and emergency medical training for the County of Roanoke, City of Roanoke, City of Salem and Town of Vinton, which results in improved fire and rescue services for all valley citizens;

Roanoke Regional Tactical Training Center
Opened in the Spring of 2001;
Joint venture between the City of Roanoke and County of Roanoke;
Provides police and sheriffs' departments with state-of-the-art rifle range, pistol ranges, tactical training house, and classroom facilities;
Driving range is under construction and will allow for on-site training in emergency vehicle operation;

Emergency Services Radio System
800 MHz system installed by Roanoke County in 1988;
Currently serves the Police, Fire & Rescue, and Sheriff's Departments of the City of Roanoke and County of Roanoke; Added capacity allows Explore Park, Roanoke Valley Resource Authority, Roanoke Regional Airport Commission, and other local law enforcement and fire and rescue agencies to have access to the system;

Sports Marketing

Convention & Visitors Bureau - Sports Marketing Committee
Partners the public and private sectors to evaluate and recruit sporting event housing opportunities for localities across the valley;

Adult Softball Tournaments
County of Roanoke and City of Salem will co-host the A.S.A.; Class B Men's Fast Pitch National Championship, bringing in over 60 teams from across the nation;

Proposed Roanoke City/Roanoke County Water and Wastewater Authority

Increase water security and operational efficiencies for participating localities;

Utility staff from the City of Roanoke and County of Roanoke are now working together across departments;

Teams of employees are studying all angles of both water systems in order to recommend the best aspects of each or to innovate and invent new procedures, ultimately bringing about an efficient and organized transition to an Authority model.

Mr. Hodge concluded by stating that there is no end to regional cooperation.

REGIONAL LEGISLATIVE AGENDA: Wayne Strickland, Executive Director, Roanoke Valley-Alleghany Regional Commission, presented the following proposed additions to recommendations for development of the regional legislative agenda which were approved at the October 18, 2002 meeting of the Leadership Summit and will be considered in the 2003 regional legislative agenda:

- The General Assembly should provide statutory authority for the separation, for taxing purposes, of business personal property (personal property that is directly used in the conduct of a legally authorized and licensed local business) and personal property.**
- Funding for Virginia's Regional Competitiveness Program (RCP) was eliminated in 2002. The General Assembly needs to fund this important program. The Commonwealth established the RCP in 1996 and since that time more than 227 regional projects throughout Virginia have been supported by RCP funds. Each dollar of RCP funds has been leveraged with 19 dollars of non-state funds. In the Roanoke Valley-Alleghany region, RCP funds have been used to support regional industrial parks, workforce development/education, tourism and infrastructure development.**
- The Commonwealth needs to move aggressively to reform its tax system. There have been two study commissions established to examine the problem of funding state and local governments and as yet, there has been no major movement toward tax reform. Recently, a new Tax Code Study Commission was established. The General Assembly needs to encourage this Commission to complete its work in a timely fashion and the General Assembly should act on the Commission's recommendations to ensure Virginia's tax system is fair and aligns service delivery responsibilities with revenue sources at the state and local level.**

He advised that this is an opportunity to get the issue off of square one, as the Governor and members of the Republican Party are interested in the matter, and he would like to receive responses from localities by October, 2003, in order to reach consensus on the items and move forward. After the elections in November, he proposed that legislators be invited to attend a meeting of the Regional Leadership Summit at which time proposals will be reviewed. Dr. Cutler suggested that funding freight rail service in the area be included in the items to be discussed with legislators.

Mr. Bestpitch stated that he attended a meeting of the VML Policy Committee on Transportation in Richmond; in a presentation by Dr. Mary Lynn Tischer regarding reauthorization of the Transportation Act, it is proposed this year to rename the Act the "Safe Accountable Flexible Efficient Transportation Equity Act" (SAFE TEA). He further stated that the House of Representatives is working on a dollar number of \$375 billion, the Senate is looking at approximately \$311 billion, and the White House is regimenting \$247 billion; and the picture that is being painted gets bleaker and bleaker in terms of the amount of funding that will be available for transportation projects. He added that new projects such as I-73 would still be eligible for funding, but funding may be an issue, and will continue to affect localities.

Mr. McNamara advised that the land use issue was still contained in the regional legislative agenda; Roanoke County received some assistance with Explore Park, but would continue to supply the bulk of funding so that the County would have a little more control over the development and use of the Park, the concept being that it was not going to be a profitable venture any time in the near future, but at least there would be the underlying asset that the County could develop and use the Park.

Dr. Cutler called attention to the original statute establishing Explore Park which provided that the land would revert to the State, and basically become a part of the park system.

Mr. Hodge stated that Roanoke County would like more assurance from the State that the County's investment in Explore Park will be protected; the State and County would be working in a partnership with the National Park Service; working in partnership with the National Park Service would provide more protection and more reason to contribute funds, because they would have ownership and protection of their investment.

Mr. McNamara requested that members of the Regional Leadership Summit share the information with their respective Councils and Boards of Supervisors, and continue to develop their own community agendas which can be incorporated in the information to be presented to area legislators. He stated that all items approved by the Leadership Summit last year are still contained in the regional legislative agenda.

AIRPORT-CONSULTANTS: Beth Doughty, President, Roanoke Regional Chamber of Commerce, presented an update on the Airport Alliance, advising that the pledge bank was established in April, and the travel pledge program bank has raised over \$2 million from 103 businesses to date; some major users have not pledged as yet; Barry DuVal, President and CEO, Kaufman and Canoles Consulting, LLC, has compiled all information received to date and sent a report to AirTran Airlines showing the support of regional alliances consisting of public/private partnerships to recruit low-fare carriers; and although AirTran Airlines remains their number one target, because of certain market and service changes, Mr. DuVal will contact other low-fair carriers as well. She stated that it is believed that the pledges will exceed over \$2 million; and the number one destination from Roanoke would be to Atlanta, however, more information will be available in January, 2004.

Ms. Doughty distributed a Campaign For Fair Airfares Status Report, dated July 18, 2003, which listed the names of businesses that have made pledges, those that declined to pledge, those that made pledges but have not been received, a target list, a list of progress to date, and a list of businesses where presentations have been made.

Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, distributed copies of the joint application of the Roanoke Regional Airport Community Consortium for Improved Air Service and the Roanoke Regional Airport Commission, dated June 23, 2003, to the Department of Transportation, regarding a proposal under the Small Community Air Service Development Pilot Program (Docket # OST - 2003-15065), including an application summary. She noted that a figure of \$2.3 million in pledges was included in the application. She stated that the 80% load factor is not happening at the airport. She stated that approximately \$20 million is available; approximately 200 airports will apply for the grants; no more than 20 airports will be awarded grants; and no more than four in any one state could receive grants, which was not an issue last year. She further stated that Federal grants encourage co-applicants to share funding amounts; concentration will be placed on getting the money first and then assess the interest of AirTran; the grant documents could be negotiated; the travel bank helps to protect the revenue guarantee for the air carrier; and the grant will not be a continuing subsidy.

Following discussion regarding adoption of a resolution of support, Ms. Shuck encouraged members of each locality to write individual letters of support for the application instead, and send them directly to Docket Operations and Media Management, M-30, Room PI-401, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, or to the Honorable Norman Mineta, Secretary of Transportation, United States Department of Transportation, 400 Seventh Street, Washington, D.C. 20590, to request that the application be placed on the docket. She closed by stating that all those things that were proposed to be done last year have been put in place, and suggested that members view the information provided at the Department of Transportation's website (www.dot.gov/regulations.html) by using the docket number given on the handout.

After a discussion regarding whether to adopt a resolution, or send letters by member localities, or contact Virginia senators, representatives, or the Governor, Ms. Shuck suggested that sending individual letters to the Department of Transportation from each locality containing information about the various aspects of the service and stating support of the application would be the best way to show support.

Mr. McNamara stated that the airport issue is very important to the region and also encouraged representatives of the Regional Leadership Summit to write individual letters to show the breadth of support and the variety of peoples that the airline would serve. He mentioned that some localities in neighboring states have lost their commercial air carrier service recently, and again encouraged representatives to discuss the initiative with their constituents because it is critical to businesses in their respective communities to participate in the travel pledge program.

OTHER BUSINESS/ANNOUNCEMENTS:

Mayor Smith announced that Norfolk Southern Corporation has offered to furnish a train for a non-stop rail excursion on October 15, 2003, in lieu of the next Leadership Summit, starting in Bedford and ending in Christiansburg. He stated that parameters should be established for the trip, and suggested that a bus could be provided at a specific designation point in Roanoke at 11:00 a.m., to take members to the train in Bedford; the train could leave Bedford at 11:45 a.m., travel non-stop for three hours to Christiansburg; and a bus could be provided in Christiansburg to transport members back to Roanoke by about 4:00 p.m. He further stated that Norfolk Southern will serve as host and provide a box lunch on the train, there will be a 60 person limit, advance reservations will be required, and a list will be compiled of those who plan to attend.

Dr. Cutler spoke in support of the excursion and suggested that each jurisdiction prepare a guide of "lookout points" that could be pointed out along the way.

Mr. McNamara advised that a Mayors and Chairs meeting will be held on August 22, 2003, to be hosted by the Town of Vinton.

Mr. McNamara further advised that the Long Range Water Supply Study is complete and a report, which contained 12-15 alternatives, will be forwarded to localities in early August, with citizen input requested toward the end of August; and the study would not require a public hearing.

There being no further business, the Mayor declared the meeting of Roanoke City Council adjourned at 1:30 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
